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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Iqbal Jami

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11/25/2009

Docket Administrator - Room 3D-201E

Alcatel-Lucent USA Inc.

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EXAMINER

HO, HUY C

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

11/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/662,917	Applicant(s) JAMI ET AL.	
	Examiner HUY C. HO	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/15/2009 have been fully considered but they are not persuasive because on page 8-10 of the Remarks filed 07/15/2009, the argued features, i.e., determining whether or not the shared channels in a mode in which to that an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received sent on receiving data, a third input signal to the decision means indicating whether or not the shared channels are in a mode in which to operate such that an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received. The examiner would like to bring in paragraph [29] from the disclosure in the specification of the current US Patent Application Publication 2004/0082336 in quote below for clarifying claims 1 and 6 of determination of transferring between dedicated channels and common channels based on acknowledgment mode as follows.

"[0026] In a further embodiment, which is a telecommunication system as shown in FIG. 1 but with a further input (not shown) to the decision block 12, if transition to a common channel state from a dedicated channel state is being considered, then the possible increase in (Radio Link Control (RLC)) acknowledgements in the FACH/RACH state is considered. The further input (not shown) receives a signal indicating whether or not acknowledgements are required to be received back before data is assumed to have been correctly received. If the FACH/RACH channel state is in Acknowledge mode (i.e. acknowledgements being required), more traffic will result so remaining in the dedicated state will be relatively more favourable."

The decision of transferring between common/dedicated channels based on a situation that if transition to a common channel state from a dedicated channel state is the case of consideration, then more RLC acknowledgements in the common channels FACH/RACH is raised and considered, if the FACH/RACH channel state is in Acknowledge mode (i.e. acknowledgements being required), more traffic will result so remaining in the dedicated state will be relatively more favourable. So, since more traffic is a result of more signaling acknowledgements if going from a common channel to a dedicated

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channel in case of consideration, then it is preferably remaining in the dedicated channel in stead. In this interpretation, the claimed limitations read upon the cited reference Vialen as follows.

Vialen teaches a method and system for making a decision of using a dedicated channel or a common channel based on various parameters, e.g., packet sizes, signaling load on a channel, data transfer delay, data rate, amount of data buffers, information obtained from higher layers about the amount of data transferred, allowable transfer data, priority or importance of transferred data, data transfer on the common RACH and acknowledgements on the common channel FACH (see Vialen, col 2 lines 55-67, col 3 lines 1-67, col 4 lines 1-67), therefore Vialen teaches and discloses the decision of using dedicated channels or common channels based on a plurality of channel parameters, including when the common channel experiences more signal acknowledgements. As a result, the argued features were written such that they read upon the cited reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. **Claims 1-3, 5-8 and 10-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Winberg (GB 2369003)** in view of **Helmerson (WO 02/067606)** and further in view of **Vialen (US 6,978,143)**.

Consider claim 1 (Currently Amended), Winberg discloses a method of transfer of a call connection connecting a telecommunications base station and a mobile user terminal between dedicated channels in both directions therebetween and shared channels in both directions therebetween (see the abstract), comprising:

determining amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and the user terminal for transmission therebetween (page 2 lines 23-30, page 4 lines 20-25, page 5 lines 15-30);

determining a value of a measured parameter of the signals between the base station and the user terminal (page 2 lines 20-30, page 4 lines 12-18); and

deciding to make the transfer, dependent upon said value and upon said amount or rate (page 2 lines 23-30, page 4 lines 20-25, page 5 lines 15-30, page 7 lines 20-21);

and upon said determination whether or not the shared channels operate such that of receipt is sent on receiving data (page 2 lines 1-30, page 3 lines 1-32, page 4 lines 1-21).

determining whether or not the shared channels are to operate

determining whether or not the shared channels (*Winberg, page 3 lines 1-32, page 4 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly, the RNC determines switching between allocated channels based on relevant parameters, e.g., buffering information*), are in a mode in which to that an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received sent on receiving data;

deciding to make the transfer, dependent upon said value and upon said amount or rate, and upon said mode determination (see Winberg, the abstract, page 2 lines 10-30).

Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see Winberg, page 7 lines 20-

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21). Helmersen discloses signal attenuation or propagation delay (see Helmersen, page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

Since both Winberg and Helmersen teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmersen, to improve the system and method for facilitating resource allocation, as discussed by Helmersen (see Helmersen, page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

Winberg, modified by Helmersen, does not show a shared channel in a mode in which an acknowledgement is required. Vialen teaches a method and system for management of packet data transfer in a UMTS system, where Vialen teaches the system makes a decision for uses of common channel or dedicated channel based on acknowledgement received in common channel FACH/RACH (see Vialen, col 2 lines 55-67), thus Vialen discloses a shared channel in a mode in which an acknowledgement is required. Since Winberg, Helmersen and Vialen teach methods and systems for channel management and channel switching in UMTS systems, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Winberg and Helmersen, by combining teachings of Vialen of acknowledgements are received in a common channel for determination of channel switching between common channels and dedicated channels that makes the channel transfer between common channels and dedicated channels faster and available to all mobile stations in the system (see Vialen, col 1 lines 45-67, col 2 lines 1-67, col 3 lines 1-3).

Consider claim 6, (Currently Amended) Winberg discloses a telecommunications system comprising a base station and a mobile user terminal, the base station and the user terminal being in use in call connection over dedicated channels or shared channels (see Winberg, page 1 lines 10-33),

the base station comprising decision means, a channel allocator, and a processor (page 1 lines 10-33, page 5 lines 15-28),

the decision means being operative to control transfer of the call connection by the channel

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allocator between the dedicated channels and the shared channels dependent upon (page 2 lines 10-30, page 3 lines 28-32, page 4 lines 1-6):

a first input signal to the decision means indicating the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and the user terminal for transmission therebetween (page 2 lines 23-30),

a second input signal to the decision means indicating the value of a measured parameter of the signals between the base station and the user terminal, the parameter being the parameter value being determined by the processor (page 2 lines 20-30, page 4 lines 12-18), and

a third input signal to the decision means indicating whether or not the shared channels (*Winberg, page 3 lines 1-32, page 4 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly, the RNC determines switching between allocated channels based on relevant parameters, e.g., buffering information*) are in a mode in which to operate such that an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received sent on receiving data.

Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see page 7 lines 20-21).

Helmerson discloses signal attenuation or propagation delay (see page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

Since both Winberg and Helmerson teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmerson, to improve the system and method for facilitating resource allocation, as discussed by Helmerson (see page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

Winberg, modified by Helmerson, does not show a shared channel in a mode in which an acknowledgement is required. Vialen teaches a method and system for management of packet data transfer in a UMTS system, where Vialen teaches the system makes a decision for uses of common

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channel or dedicated channel based on acknowledgement received in common channel FACH/RACH (see Vialen, col 2 lines 55-67), thus Vialen discloses a shared channel in a mode in which an acknowledgement is required. Since Winberg, Helmerson and Vialen teach methods and systems for channel management and channel switching in UMTS systems, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Winberg and Helmerson, by combining teachings of Vialen of acknowledgements are received in a common channel for determination of channel switching between common channels and dedicated channels that makes the channel transfer between common channels and dedicated channels faster and available to all mobile stations in the system (see Vialen, col 1 lines 45-67, col 2 lines 1-67, col 3 lines 1-3).

Consider claim 11 (Previously Presented) Winberg teaches a radio network controller (page 1, lines 10-20), comprising:

decision means, a channel allocator, and a determinator, the decision means adapted to control transfer of a call connection via the channel allocator between dedicated channels and shared channels dependent upon (Winberg, page 1, lines 10-30, page 2 lines 10-30):

a first input signal indicating an amount of data buffered for transmission, a rate that data arrives for transmission, or both the amount of data buffered for transmission and the rate that data arrives for transmission (page 2 lines 23-30);

a second input signal indicating a value of a parameter, the parameter being signal attenuation or propagation delay of transmitted signals, the value of the parameter being determined by the determinator (page 2 lines 20-30, page 4 lines 12-18); and

a third input signal indicating whether or not the shared channels operate (Winberg, page 3 lines 1-32, page 4 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly, the RNC determines switching between allocated channels based on relevant parameters, e.g., buffering information), in a mode in which an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received.

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Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see page 7 lines 20-21). Helmersen discloses signal attenuation or propagation delay (see page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

Since both Winberg and Helmersen teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmersen, to improve the system and method for facilitating resource allocation, as discussed by Helmersen (see page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

Winberg, modified by Helmersen, does not show a shared channel in a mode in which an acknowledgement is required. Vialen teaches a method and system for management of packet data transfer in a UMTS system, where Vialen teaches the system makes a decision for uses of common channel or dedicated channel based on acknowledgement received in common channel FACH/RACH (see Vialen, col 2 lines 55-67), thus Vialen discloses a shared channel in a mode in which an acknowledgement is required. Since Winberg, Helmersen and Vialen teach methods and systems for channel management and channel switching in UMTS systems, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Winberg and Helmersen, by combining teachings of Vialen of acknowledgements are received in a common channel for determination of channel switching between common channels and dedicated channels that makes the channel transfer between common channels and dedicated channels faster and available to all mobile stations in the system (see Vialen, col 1 lines 45-67, col 2 lines 1-67, col 3 lines 1-3).

Consider claims 2, 7, 12, (Original) a method of transfer of a call connection according to claims 1, 6, 11, Winberg, as modified by Helmersen, teaches in which for a shared channel call connection, upon the parameter value being determined as being less than a predetermined threshold, transfer is made to dedicated channels (Helmersen, page 9 lines 14-30).

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Consider claims 3, 8, 13, (Original) A method of transfer of a call connection according to claim 1 or claims 2, 6, 11, Winberg, as modified by Helmersen, teaches in which for a dedicated channel call connection, upon the parameter value being determined as being more than a predetermined threshold, transfer is made to shared channels (Helmersen, page 10 lines 4-20).

Consider claims 5, 10, 14, (Original) A method of transfer of a call connection according to claims 1, 6, 11, Winberg, as modified by Helmersen, further teaches in which the shared channels are a Random Access Channel (RACH) and a Forward Access Channel (FACH), the base station comprises a radio network controller, and the base station and user terminal operate to transfer the call connection in accordance with the Universal Mobile Telecommunication System (UMTS) standard (the abstract, page 3 lines 28-31, page 4 lines 12-18, page 5 lines 6-30).

Consider claim 15, (Previously Presented) The radio network controller according to claim 11, Winberg, as modified by Helmersen, teaches:

a Node B, the Node B responsive to the channel allocator to transfer the call connection between dedicated channels and shared channels (Helmersen, page 3 lines 22-30).

Consider claim 16, (Previously Presented) The radio network controller according to claim 11, Winberg, as modified by Helmersen, further teaches wherein the call connection is transferred in accordance with the Universal Mobile Telecommunication System (UMTS) standard (Winberg, the abstract, page 3 lines 28-31, page 4 lines 12-18, page 5 lines 6-30).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

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mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY C. HO whose telephone number is (571)270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huy C Ho/
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617